

FILED  
SCRANTON

(18)

October 4, 2001 :

OCT 10 2001

PER [Signature]  
DEPUTY CLERK

Office of the Clerk of Court  
United States District Court  
Middle District of Pennsylvania  
P.O. Box 1148,  
235 N. Washington Avenue  
Scranton, Pennsylvania  
18501-1148

Michael Potopowicz, DS-8353  
Rockview State Prison  
Box A  
Bellefonte, Pennsylvania  
16823-0820

In Re: Potopowicz v. Meyers, et al., No. CV-01 749 :

Dear Clerk of Court :

Please take a look at the attached documents, take a good look at page (2) which states ORDER dated August 21, 2001.

Now is that ORDER a FINAL ORDER or NOT ????

If it is not a final order, when can I expect to receive a final order on my law suit of Potopowicz v. Myers, et al., supra., in your court ??

Please be so kind as to send me a FINAL ORDER at your earliest possible convenience, to enable me to file a timely appeal to the Third Circuit Court of Appeals.

Please enter this document in your court docket, as evidence that I do wish to appeal this case to the Third Circuit Court of Appeals as your court issues a final order on my law suit, supra.

Please Advise & Thank You;  
Sincerely,

s/ Michael Potopowicz  
Michael Potopowicz

FINAL ORDER

INFORMATION STATEMENT TO BE COMPLETED BY U.S. DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
DIVISIONAL OFFICE IN HARRISBURG, PENNSYLVANIA

MICHAEL J. POTOPOWICZ  
Plaintiff/Appellant

Dist. Ct. Docket # 1:01-CV-749

(Judge Sylvia H. Rambo)

v.

Ct. of Appeals Docket # \_\_\_\_\_

ROBERT MEYERS, et al.  
Defendants/Appellees

NOTICE OF APPEAL FILED 9/4/01 COURT REPORTERS: No

FILING FEE:

Notice of Appeal \_\_\_\_\_ Paid X Not Paid \_\_\_\_\_ Seaman  
Docket Fee \_\_\_\_\_ Paid X Not Paid \_\_\_\_\_ US or Govt.

CJA Appointment: (Attach copy of order) N/A

\_\_\_\_ Private Attorney  
\_\_\_\_ Defender Association or Federal Public Defender  
\_\_\_\_ Motion Pending

Leave to proceed In Forma Pauperis status, if applicable (attach copy of order)

X Motion Granted In First Instance  
\_\_\_\_ Denied (as moot)  
\_\_\_\_ Motion pending before district judge

Certificate of probable cause (state habeas corpus) (attach copy of order) N/A

\_\_\_\_ Granted  
\_\_\_\_ Denied  
\_\_\_\_ Pending

MOTIONS CURRENTLY PENDING :

COPIES TO:

Judge Sylvia H. Rambo  
✓ Michael Potopowicz, Plaintiff

PRSLC Pitts  
File Copy

DATED: September 7, 2001

Shawna L. Cihak  
Deputy Clerk

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

U. S. COURTHOUSE  
228 WALNUT STREET  
P.O. BOX 983  
HARRISBURG, PA 17108

OFFICIAL BUSINESS

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL J. POTOPOWICZ  
Plaintiff

V.

ROBERT MEYERS, et al.,

: CIVIL ACTION NO. 1:CV-01-2749  
:  
:  
:  
:  
: (Judge Rambo).

NOTICE OF APPEAL

FILED  
HARRISBURG, PA  
SEP 4 2001  
MARY E. D'ANDREA, CLERK  
Per *[Signature]*

PLEASE TAKE NOTICE that the above plaintiff appeals to the United States Court of Appeals for the Third Circuit from the ORDER entered August 21, 2001, dismissing plaintiff's pro se 42 U.S.C. 1983 civil action law suit.

Respectfully Submitted,

Date: August 30, 2001:

s/ *Michael Potopowicz*

Michael Potopowicz  
DS-8353  
Rockview State Prison  
Box A.  
Bellefonte, Pennsylvania  
16823-0820

Also Note: Final Order of Court Attached:  
CC: Third Circuit Court of Appeals:

(1)

Certified from the record  
Date 9-7-01  
Mary E. D'Andrea, Clerk  
Per *[Signature]*  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL J. POTOPOWICZ,  
Plaintiff

v.

ROBERT MEYERS, Warden, et al.,  
Defendants

CIVIL ACTION NO. 1:CV-01-0749

(Judge Rambo)

FILED  
HARRISBURG, PA  
AUG 21 2001

MARY E. D'ANDREA, CLERK  
Per [Signature]  
Deputy Clerk

ORDER

In accordance with the accompanying memorandum, IT IS  
**HEREBY ORDERED THAT:**

1. The complaint is dismissed without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for failing to state a claim upon which relief may be granted.<sup>1</sup>
2. The Clerk of Court is directed to close this case.
3. Any appeal from this order will be deemed frivolous, not taken in good faith and without probable cause.

[Signature]  
SYLVIA H. RAMBO  
United States District Judge

Dated: August 21, 2001.

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1. The dismissal of this action does not relieve Potopowicz of the obligation to pay the full filing fee. Until the filing fee is paid in full, the Administrative Order, issued May 1, 2001, is binding on the warden of SCI-Rockview and the warden of any correctional facility to which Potopowicz may be transferred.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL J. POTOPOWICZ

Plaintiff

V.

ROBERT MEYERS, et al.,

:  
:  
:  
:  
:  
:

CIVIL ACTION NO. 1:CV-01-.749

(Judge Rambo)

PROOF OF SERVICE

I, hereby certify that (1) one copy of the foregoing  
was served upon the person at the address set forth below by means  
of first class United States Mail, postage prepaid;

Mike Fisher, Attorney General of Pennsylvania  
Office of the Attorney General  
Strawberry Square, 15th Floor  
Harrisburg, Pennsylvania  
17120

Also Note : Copy also sent to the Third Circuit Court of Appeals.

Dated: August 30, 2001:

Respectfully Submitted,

s/ Michael J. Potopowicz  
Michael J. Potopowicz  
DS-8353  
Rockview State Prison  
Box A  
Bellefonte, Pennsylvania  
16823-0820